



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 03602-10
20 January 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 January 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

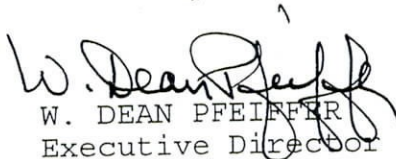
You enlisted in the Navy and began a period of active duty on 5 November 1954, at age 17. On 6 January 1955, you were convicted in the District Court of Madison County, Nebraska, of breaking and entering. Your sentence was postponed until you were discharged from the Navy. On 16 January 1955, you were convicted by a summary court-martial (SCM) of being in an unauthorized absence (UA) status for five days. You were sentenced to forfeitures of \$15, and three days confinement at hard labor. Administrative discharge action was initiated by reason of misconduct. On 1 April 1955, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an undesirable discharge due to misconduct. Your commanding officer concurred with the ADB's finding and recommended that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 18 April 1955, you received the OTH due to misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct and performance, and overall record of service. Nevertheless,

the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, given your record of misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director